

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	4:06CR3090
v.)	
)	
JAMES WAYNE THOELKE,)	
)	ORDER
Defendant.)	
_____)	
)	

The defendant has advised the court that the defendant and his counsel need additional time to prepare for the plea hearing currently set for November 8, 2006. Based on the representations of defendant's counsel,

IT IS ORDERED:

1. The defendant's unopposed oral motion for a continuance of the plea hearing is granted, and the hearing on the defendant's anticipated plea of guilty is continued to December 1, 2006 at 2:00 p.m., in Courtroom No. 2, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska. Defendant shall appear at this hearing.
2. The ends of justice will be served by granting the motion for continuance, and outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, (the time between today's date and December 1, 2006) shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the defendant and his counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

Dated: November 6, 2006

BY THE COURT:

s/ David L. Piester

United States Magistrate Judge